

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
BANKRUPTCY DIVISION
ST. THOMAS & ST. JOHN, VIRGIN ISLANDS**

JEFFREY J. PROSSER

Debtor.

**OAKLAND BENTA, JEFFREY J.
PROSSER, AND DAWN E. PROSSER,
PLAINTIFFS,**

Plaintiff(s),

v.

**CHRISTIE'S INC., CHARLES ANTIN,
FOX ROTHSCHILD LLP, YANN
GERON, WILLIAM H. STASSEN,
DAVID M. NISSMAN, JAMES P.
CARROLL,**

Bankruptcy No. 3-06-30009-MFW

Chapter 7

Adversary No. 3-21-3001-MFW

**Pretrial Hearing: 9/16/21
10:00 AM [AST]**

FIRST PRETRIAL ORDER (BANKRUPTCY RULE 7016)

AND NOW, this **20th** day of **July, 2021**, enclosed are summonses issued to Plaintiff(s) for service to each Defendant.

It Is Ordered that:

(1) Service of the Summons, together with a copy of your complaint and this Order shall be made within ten (10) days from the date of issuance.

(2) The person making service must execute the enclosed certificate of service and file the same with the Clerk's Office within ten (10) days from the date of this Order. Failure to file your certificate of service when due will result in the dismissal of this proceeding.

(3) Should this Adversary Proceeding involve the United States of America or a Federal Agency or Officer as a defendant, you are directed to serve a copy of your complaint, summons and Order upon all of the following:

- a. The agency or officer involved
- b. Civil Process Clerk
The United States Attorney
633 U.S. Post Office & Courthouse
Pittsburgh, Pa 15219-1955
- c. The Attorney General of the United States
Civil Division, Bankruptcy Section
U.S. Department of Justice
Washington, DC 20530

THE PLEADING MUST SPECIFICALLY IDENTIFY THE FEDERAL AGENCY INVOLVED.

Further, both the Debtor and Debtor's Counsel shall be served when Debtor is a defendant in the case.

Further, in Chapter 11 cases, Creditors' Committee Counsel and Trustee, if any, shall be served. In Chapter 13 cases, Chapter 13 Trustee shall be served.

(4) Further:

(A) If the certificate of service is not filed on or before the due date, this action will be dismissed for failure to prosecute.

(B) If the certificate of service is filed on or before the due date but no responsive pleading has been timely filed, the case will not be called in Court and Default Judgment will be entered. No Motion for Default need be filed.

(C) Otherwise, this case **shall** be called in Court on **September 16, 2021** at **10:00 AM (AST)** via **Video Conference**.

At That Time:

(i) **If a responsive pleading has been filed by the due date, all counsel shall appear and a Pretrial Conference will be held.** Counsel shall be prepared to discuss settlement. Objectives and scheduling as provided in Bankruptcy Rule 7016(a), (b), will be addressed. See FRCP 16(a), (b). Discovery periods will be established and dates for settlement/conciliation conferences, for summary judgment motions and responses and for trial will be fixed, if needed, at the Pretrial Conference. The Court will consider for discussion the subjects listed in Bankruptcy Rule 7016(a)-(c), (f). See, FRCP 16(a)-(c), (f).

(ii) If the responsive pleading referred to in paragraph 4(C)(i) is something other than an answer, plaintiff(s) must file and serve responses to the pleading at least one business day before the hearing, all counsel shall appear and argument will be heard.

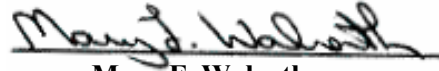
(iii) If there is no issue of fact, the Court may dispose of the matter at the Pretrial Conference, or on briefs, or as the Court may determine.

(5) Pleadings filed after the due date will not be considered by the Court unless a motion to extend time has been filed and served and an Order granting such Motion has been signed **prior** to the due date.

(6) Federal Rule of Bankruptcy Procedure 7026 (Federal Rule of Civil Procedure 26) shall not apply to this Adversary Proceeding unless a party requests otherwise by written motion filed and served within 30

days hereof. Any objections to the motion must be filed and served within 10 days thereafter. The issues raised by the motion and/or response(s) shall be addressed at the First Pretrial Conference. **Discovery commences as of the date of this Order.**

Date: July 20, 2021


Mary F. Walrath
U. S. Bankruptcy Judge

cm: Norman A. Abood, Esq.

CERTIFICATE OF SERVICE

I, _____(name), certify that service of this summons and
a copy of the **Complaint and First Pretrial Order** was made on _____(date) by:

☐

Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:

☐

Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

☐

Residence Service: By leaving the process with the following adult at:

☐

Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail
addressed to the following officer of the defendant at:

☐

Publication: The defendant was served as follows: [Describe briefly]

☐

State Law: The defendant was served pursuant to the laws of the State of _____,
as follows: [Describe briefly] (name of state)

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I
am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter
concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____

Signature _____

Print Name:

Business Address:
